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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CLINT ENGELBRETSON, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

BAGELCODE USA, INC., a Washington  
corporation; GOOGLE LLC, a Delaware  
limited liability company; and GOOGLE  
PAYMENT CORP., a Delaware corporation,

Defendants.

Case No. 5:21-cv-04807-EJD

**NOTICE OF VOLUNTARY DISMISSAL**

Plaintiff Clint Englebreton hereby dismisses his lawsuit against Defendants Bagelcode USA, Inc., Google, LLC, and Google Payment Corp. without prejudice. Plaintiff's case was filed in the Western District of Washington, case number 21-cv-00296, and transferred to the Northern District of California as part of MDL 3001.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

**(1) By the Plaintiff.**

Notice of Voluntary Dismissal

1 (A) *Without a Court Order*. Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any  
2 applicable federal statute, the plaintiff may dismiss an action without a court order by  
3 filing:

4 (i) a notice of dismissal before the opposing party serves either an answer or a  
5 motion for summary judgment; or

6 (ii) a stipulation of dismissal signed by all parties who have appeared.

7 (B) *Effect*. Unless the notice or stipulation states otherwise, the dismissal is  
8 without prejudice. But if the plaintiff previously dismissed any federal- or state-  
9 court action based on or including the same claim, a notice of dismissal operates  
10 as an adjudication on the merits.

11 In this case, Defendants have neither answered Plaintiff's Complaint nor served a motion for  
12 summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions  
13 do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.

14 Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule  
15 41(a)(1)(i) without prejudice.

16  
17 Dated: June 23, 2021

**CLINT ENGELBRETSON**, individually and on  
behalf of all others similarly situated,

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19  
20 By: /s/ Patrick H. Peluso  
One of Plaintiff's Attorneys

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27 Attorneys for Plaintiff and the Class

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